

R 251619Z AUG 08
FM USMISSION GENEVA
TO SECSTATE WASHDC 7100
INFO USMISSION USUN NEW YORK

UNCLAS GENEVA 000722

STATE FOR IO-RHS, DRL-MLGA, L-HRR

E.O. 12958: N/A

TAGS: PHUM UNHRC

SUBJECT: COMMUNICATION FROM SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

¶1. Mission has received a communication from the Special Rapporteur on the situation of human rights defenders. This communication is number 48 on the Geneva 2008 Communications Log. The letter is dated 21 August, 2008.

¶2. Begin text of letter:

Excellency, I have the honour to address you in my capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 8/8.

In this connection, I would like to bring to your Government's attention information I have received concerning Correctional Emergency Response Teams (CERT Teams) in Georgia State prisons. According to the allegations received:

"Numerous instances have been documented between 2003 and 2006 relating to beatings meted out on inmates by Correctional Emergency Response Teams (CERT) in Georgia prisons. The prisons identified, include Valdosta State Prison, Rogers State Prison, Augusta State Medical Prison, Costal State Prison, Ray James Prison, Georgia State Prison, Telfair State Prison, Autry State Prison, Bostic State Prison, Calhoun State Prison, Georgia Diagnostic and Classification Prison, Lee State Prison, Macon State Prison, Pulaski State Prison, Rivers State Prison, Philips State Prison, Hayes State Prison.

The CERT Teams, with the knowledge and acquiescence of the prison administrations, including medical staff, allegedly carry out severe summary punishment of physical beatings on inmates while they are restrained handcuffed behind their backs. The prisoners are kicked, slapped, as well as beaten with black leather gloves padded on the knuckles, which are issued by the Georgia Department of Corrections.

In addition to the beatings, various techniques are also used as summary punishment. Known as the "Georgia motorcycle", stripped inmates are strapped onto an iron bed or chair with four or five point restraints for 24 or more hours, often without food, water, or bathroom breaks. A football helmet is put on their heads to keep them from beating their unrestrained heads in frustration. Another technique, the "Georgia g-string", consists of a chain run through the buttocks and crotch of a stripped inmate and tightly cinched up for varying lengths of time."

While I do not wish to prejudge the accuracy of these allegations, I should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the above case. I would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment.

I would also like to draw your Government's attention to paragraph 1 of Human Rights Council Resolution 8/8 which

"Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

I urge your Government to take all necessary measures to guarantee that the rights and freedoms of the aforementioned persons are respected and that accountability of any person guilty of the alleged violations is ensured. I also request that your Government adopts effective measures to prevent the recurrence of these acts.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

¶1. Are the facts alleged in the above summary of the case accurate?

¶2. Has a complaint been lodged?

¶3. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

¶4. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken; Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

¶5. Please indicate whether compensation has been provided to the victim or the family of the victim.

I would appreciate a response within sixty days. I undertake to ensure that your Government's response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration, Manfred Nowak. End text of letter.

STORELLA

NNNN